

_____ BILL NO. _____

INTRODUCED BY _____
(Primary Sponsor)

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING RECUSAL BY A JUSTICE OF THE MONTANA SUPREME COURT BECAUSE OF RECEIPT OF CAMPAIGN CONTRIBUTIONS FROM A PARTY OR AN ATTORNEY IN A CASE IN WHICH THE JUSTICE PARTICIPATES; REQUIRING THAT CERTAIN CAMPAIGN FINANCE REPORTS BE SENT TO A JUSTICE; REQUIRING RULES TO BE ADOPTED BY THE COMMISSIONER OF POLITICAL PRACTICES; AND PROVIDING AN APPLICABILITY DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. Section 1. Recusal of justice required because of campaign contribution -- definition. (1) A justice of the supreme court may not participate in a hearing on oral argument of a case before the court or in an opinion or order of the court concerning that case if a campaign contribution from a party or an attorney representing a party to that case was made, in an election to which 13-37-216 applies, in excess of the amount allowed by that section and was made:

(a) to the justice's campaign;

(b) to a political committee that made a contribution to the justice's campaign; or

(c) for the purpose of opposing the justice's opponent.

(2) A justice who may not participate in oral argument or an opinion or order because of this section shall voluntarily request substitution of another justice or judge by the chief justice or acting chief justice.

(3) As used in this section, "contribution" and "political committee" have the meanings provided in 13-1-101.

NEW SECTION. Section 2. Reports to be sent to justice of supreme court -- rulemaking. (1) Within 10 days of the receipt of the final report of a political committee showing expenditures made on behalf of a justice of the supreme court, including expenditures made opposing the opponent of a justice, the commissioner shall send a copy of the report to the justice who was elected.

(2) Within 10 days of receipt of the final report of the political committee referred to in subsection (1) showing contributions received by that committee, the commissioner shall send a copy of the report to the justice

1 who was elected.

2 (3) The commissioner shall adopt rules to implement this section.

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4 **NEW SECTION. Section 3. Codification instruction.** (1) [Section 1] is intended to be codified as an
5 integral part of Title 3, chapter 2, part 1, and the provisions of Title 3, chapter 2, part 1, apply to [section 1].

6 (2) [Section 2] is intended to be codified as an integral part of Title 13, chapter 37, part 2, and the
7 provisions of Title 13, chapter 37, part 2, apply to [section 2].

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9 **NEW SECTION. Section 4. Severability.** If a part of [this act] is invalid, all valid parts that are severable
10 from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part
11 remains in effect in all valid applications that are severable from the invalid applications.

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13 **NEW SECTION. Section 5. Applicability.** [This act] applies to a justice who receives a campaign
14 contribution and to a final report of a political committee received on or after October 1, 2009.

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